

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,) 8:09CR419
Plaintiff,)
vs.) ORDER
DAVID CRESS,)
Defendant.)

This matter is before the court on the motion for an extension of time by defendant David Cress (Cress) (Filing No. 22). Cress seeks an additional thirty days in which to file pretrial motions in accordance with the progression order. Cress' counsel represents that Cress will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED;

Defendant Cress' motion for an extension of time (Filing No. 22) is granted. Cress is given until **on or before May 17, 2010**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 16, 2010 and May 17, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 16th day of April, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge